

EXEMPTION OF VESSELS FROM ADMEASUREMENT

*Exchange of notes at Washington October 2 and 28, 1895, modifying
agreement of February 26, 1886¹
Entered into force October 28, 1895*

Department of State files

The Danish Minister to the Secretary of State

[TRANSLATION]

DANISH LEGATION
WASHINGTON, *October 2, 1895*

MR. SECRETARY OF STATE:

I have the honor to place before your Excellency's eyes an extract, in French translation, from a letter which I have just received from my Government, and on the subject concerning the admeasurement of vessels.

This extract contains a statement of the rules which have been successively adopted by the two countries on the subject. Your Excellency will see by it that, at present, Denmark and the United States have adopted precisely the same rules for the admeasurement of vessels, but that neither country knew, at the time of amending its system, that the other was likewise amending its system at the same time and in the same sense, and that, subsequently, restrictions were prescribed as to the mutual recognition of certificates of admeasurement, for which restrictions there seems to be no longer any necessity.

For instance, the Treasury Department at Washington, in a circular of March 7, 1895, orders the recognition of the certificates of admeasurement of Danish vessels, only "with the addition of the amount of the deductions

¹ TS 70, *ante*, p. 27.

and omissions made under such (Danish) laws, but not authorized by the Act of March 2, 1895.”²

My Government presumes that this circular of March 7, which equally concerns several other countries, is intended to remain in force only until the conclusion of special Conventions with the countries interested, requiring its modification. It instructs me to call your Excellency’s attention to the absolute identity of the rules now followed by Denmark and the United States, in the admeasurement of vessels, and to propose to you that the restriction made by the circular of March 7, to the pure and simple recognition of certificates of admeasurement, be repealed so far as regards Danish vessels.

The consequence of this would be, that the net tonnage register given in certificates of nationality and registration of Danish vessels, would be purely and simply recognized by the American Authorities in the case of every sailing vessel, without the date of the certificate being of any importance. In the case of a steamer, on the other hand, the net tonnage register given in accordance with the British rule by the Danish certificate delivered on the 1st April of the current year, or subsequently, would be, likewise, purely recognized. If the certificate was delivered at a previous date, the American Authorities would recognize the amount in accordance with the British rule contained in an Appendix to the certificate.

The Danish Government would bind itself, on its own part, to recognize the net tonnage register given in the certificates of United States sailing vessels, in all Danish ports, without any transcription or new admeasurement, as well as the net tonnage register given in the certificates of American steamers, if those certificates were delivered on the 1st April of the current year, or subsequently. If the steamer’s certificate should be prior to that date, the rule prescribed by the Danish Ordinance of March 10, 1895, Part II, Section C (b), would be applied. This rule is given in the above-mentioned extract, in French translation, P.5.

I have the honor to enclose:

1. The Ordinance of March 10, 1895.
2. A blank form of a certificate of nationality and registration, for steamers measured in accordance with the British Rule, in conformity with the Ordinance of March 10.³
3. A blank form of a certificate of admeasurement for steamers measured according to the British Rule, in conformity with the Ordinance of March 10.⁴
4. A blank form of a certificate of admeasurement concerning the spaces which, by virtue of Part III, Section H, of the Ordinance of March 10, must be deducted from the gross tonnage register.⁵

² 28 Stat. 741.

³ Not printed here.

5. The Danish Law of March 13, 1867, with regard to the admeasurement of vessels (English translation).⁴

Accept, Mr. Secretary of State, etc.

C. BRUN

His Excellency

Mr. RICHARD OLNEY,
Secretary of State.

ENCLOSURE 1

(Extract)

MINISTRY OF FOREIGN AFFAIRS

COPENHAGEN, *September 12, 1895*

An ordinance issued by the Director-General of Contributions, dated March 10, 1895, by virtue of the power conferred upon him by the Law of March 13, 1867, concerning the mode of measuring the tonnage of vessels.

In conformity with this new Ordinance, Denmark has adopted entirely, beginning with April 1, 1895, the English rules for the admeasurement of vessels, as they are prescribed by the Merchant Shipping Act of August 25, 1894, Sections 77-82, 210 and Second and Sixth Schedules, which has been in force since January 1, 1895.

The chief reason for this amendment, was the fact that the said English Rules seem to be destined to gain more and more the general adhesion of all nations.

In order to judge the scope and importance of the new Ordinance of March 10, 1895, it is well to remark that, as regards the admeasurement of steamers, the rule hitherto in force in Denmark for calculating the space to be deducted as required for the motive power of the vessel, the "Danube Rule", is identical in principle with the rule prescribed by the Merchant Shipping Act of 1894, Sec. 78, (1) (b), and that the modifications of the English Rules prescribed by the Merchant Shipping (Tonnage) Act of August 26, 1889 (Sections 2.3 and 5), inserted again in the Merchant Shipping Act of 1894, were also adopted in Denmark, beginning with January 1, 1892. In reality, the innovation resulting from the Ordinance of March 10, 1895, is thus confined to the adoption of the rule prescribed by the Merchant Shipping Act of 1894, Sec. 78 (1) (a), and specially known under the name of the "British Rule." This rule fixes the space to be deducted

⁴ Not printed here.

as necessary for the motive power, for screw steamers, at 32 o/o, for side-wheel steamers, at 37 o/o, of the gross tonnage register, in all cases where the tonnage of the space actually occupied by the machinery, is respectively above 13 o/o but under 20 o/o, or above 20 o/o, but under 30 o/o, of the gross tonnage.

The last arrangement made with the United States concerning the admeasurement of vessels, is the Declaration signed at Washington on the 26th February, 1886 (Treasury Department's Circular of March 16, 1886). As Denmark and the United States both followed the Danube Rule at that time, as regards the calculation of the space to be deducted from the tonnage of steamers, the net tonnage given in the respective national documents of admeasurement, was admitted and recognized purely and simply.

Now, it appears from the American Law of March 2, 1895, that the United States has likewise adopted the British Rule (a), beginning with April 1, 1895.

The rules adopted by the two countries for the admeasurement of vessels, are, therefore, both before and after the modifications introduced, absolutely identical.

At the time that the Danish Ordinance of March 10, 1895, relative to this subject, was issued, the King's Government was still ignorant of the American Law of March 2, 1895. The United States is, consequently, classed among the countries following the Danube Rule (Part II, Sec. C(b)). The Ordinance, therefore, says that the space to be deducted for the motive power of North American steamers, shall be determined according to the British Rule, if the application of that Rule is asked; otherwise, according to the net tonnage register given in the national document of admeasurement. In Part II, Sec. C(d), the Ordinance of March 10 recognizes purely and simply the net tonnage register given in the certificates of North American sailing vessels.

On the other hand, a Circular of the Treasury Department at Washington, dated March 7, 1895, recognizes, beginning with April 1, 1895, the statements of the gross and net tonnage, contained in Danish certificates of nationality and registration, "on adding the deductions and omissions made by virtue of the Danish laws, but which are not authorized by the Law of March 2, 1895."

REEDTZ THOTT

The Secretary of State to the Danish Minister

No. 16

DEPARTMENT OF STATE
WASHINGTON, October 28, 1895Mr. CONSTANTIN BRUN,
Etc-Etc-Etc.

SIR,

Referring to your note of the 2d instant, on the subject of the rules in force in the United States and Denmark concerning the admeasurement of vessels, I have the honor to enclose for your information a copy of a letter from the Treasury Department of the 23d instant, on the subject, which it is thought, will furnish your Government with the information that it desires.

Accept, Etc.

RICHARD OLNEY

Encl: From the Acting Secretary of the Treasury
Oct. 23, 1895.

ENCLOSURES

*The Acting Secretary of the Treasury to the Secretary of State*TREASURY DEPARTMENT
OFFICE OF THE SECRETARY
Washington, D.C., October 23, 1895The Honorable
THE SECRETARY OF STATE.

SIR:

I have the honor to acknowledge the receipt of your letter dated the 5th instant, transmitting, for my information and consideration, a copy of a note of the 2nd instant, from the Minister of Denmark at this capital, on the subject of the rules in force in the United States and Denmark concerning the admeasurement of vessels.

Copies of a circular upon the subject of this date are enclosed herewith for the information of the Minister who may be advised that the provision in the orders for the addition of the amount of any deductions and omissions from the foreign register or appendix, not authorized by the laws of the United States, was inserted to guard against admeasurements, which by inadvertence might be erroneous, and not to prevent the acceptance of cor-

rect admeasurements regularly made. It is contained in the general regulations, and is applicable in the case of foreign vessels generally.

Respectfully yours,

W. E. CURTIS
Acting Secretary

Treasury Department Circular

DANISH VESSELS ADMITTED WITHOUT ADMEASUREMENT

TREASURY DEPARTMENT
BUREAU OF NAVIGATION

Department circular No. 1895

Washington, D.C., October 23, 1895

To Collectors of Customs and Others:

This office being satisfied that, the rules concerning the admeasurement for tonnage of vessels of the United States have been substantially adopted by the Government of Denmark, Danish vessels arriving in the United States shall hereafter be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and it shall not be necessary for such vessels, when furnished with such certificates, to be readmeasured in any port of the United States. Danish steam vessels having an appendix to their certificates, stating their measurement, according to the so-called "English rule," shall be deemed to be of the tonnage denoted in the appendix, and it shall not be necessary for such vessels to be readmeasured.

The amount of any deductions and omissions, however, not authorized by the admeasurement laws of the United States, must be added to the register tonnage of such vessels. (Regulations, 1892).

EUGENE T. CHAMBERLAIN
Commissioner

Approved:

W. E. CURTIS,
Acting Secretary